THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20065 of 2006

27.4.2007

Between:

Ch.Srinivas, S/o.Ch.Shanker

… Petitioner

AND

The Panchayat Secretary, Muttangi Gram Panchayat,
Patancheru Mandal, Medak District

And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioner is allegedly owner of plot Nos.263 to 265 and 272 to 274 admeasuring 1200 Sq.yards situated in survey Nos.522 and 528 of Muttangi village of Patancheru Mandal in Medak District. He purchased the property under agreement of sale dated 22.6.2006. According to the petitioner, entire land in survey Nos.522 and 528 was owned by G.Radha Krishna, who divided the same into house sites allegedly after obtaining permission from the Gram Panchayat in 1993 and sold the house sites to third parties under agreements of sale. He further alleges that on 14.7.2006, he fixed bard wire fencing. At that time, employees of first respondent raised objection and attempted to dispossess the petitioner. He therefore filed the instant writ petition seeking a writ of Mandamus declaring the action of respondents in trying to dispossess the petitioner as illegal and arbitrary and consequently direct the respondent not to interfere with the possession.

At the stage of admission itself, Panchayat Secretary of the Gram Panchayat filed a counter affidavit. The allegation that layout is approved by the Gram Panchayat is denied. It is stated that G.Radha Krishna is pattadar and owner of land admeasuring Acs.10.10 gts in survey No.522/A, Acs.3.04 gts in survey No.528, and Acs.4.29 gts in survey No.529. He submitted layout in 1983 for an extent of Acs.18.03 gts. The same was not approved by the Gram Panchayat and the sarapanch has no jurisdiction to approve the layout. The layout is therefore illegal and the purchasers are not entitled to make any construction on the land. The approval of Hyderabad Urban Development Authority (HUDA) is necessary as per law. The allegation that first respondent with the help of second respondent tried to dispossess the petitioner is denied. It is stated that when the

petitioner was tried to erect the fencing in the land comprised in survey No.540, which was assigned to landless poor persons belonging to Scheduled Caste community, second respondent and Government officials prevented the petitioner from erecting fencing.

The petitioner has not filed any reply affidavit denying the counter averments. Therefore, it stands proved that though the petitioner's plots comprised in survey Nos.522 and 528, he tried to encroach upon survey No.540 and, therefore, respondent has taken steps in right direction to prevent him. Secondly, layout as stated in the counter affidavit has not been approved and, therefore, even if the petitioner is agreement holder, he is not entitled to make any construction in a plot in respect of which layout is not approved. As per Rule 14 of Andhra Pradesh Gram Panchayat Land Development (Layout and Building) Rules, 2002 (the Rules, for brevity), unless and until the house site is part of approved layout no permission can be granted by the Gram Panchayat and any construction made without layout or in deviation of approved layout would be an offence under Rule 33 of the Rules.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

April 27, 2007.
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